

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIMOTHY F. CHENAULT,

Plaintiff,

Civil No. 05-700-CO

v.

FINDINGS AND
RECOMMENDATION

DIANE LINN, et al.,

Defendants.

COONEY, Magistrate Judge.

By Order (#10) entered August 15, 2005, plaintiff was allowed until October 11, 2005, to file a notice of change of address to show cause why this action should not be dismissed for failure to prosecute. Petitioner was advised that failure to file a notice of change of address or show case as directed by the court would result in the dismissal of this action for failure to prosecute.

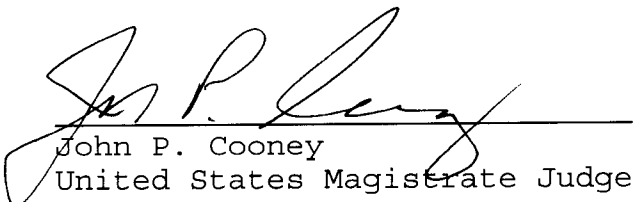
On August 29, 2005, the court's Order (#10) was returned

as undeliverable. Petitioner has not filed a notice of change of address or otherwise notified the court.

This action should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 17 day of October, 2005.


John P. Cooney
United States Magistrate Judge